

ACT 175

S.B. NO. 680

A Bill for an Act Relating to Homeland Security.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that there is an ever-increasing possibility of terrorist or other man-made threats to: infrastructure critical to national security; local, state and federal governmental entities; and the stability and security of the people of Hawaii. The increasing sophistication of terrorist groups, transnational criminal organizations, and others who would threaten the peace and security of Hawaii greatly complicate the State's ability to protect its residents and prevent attacks.

The legislature also finds that state departments and agencies are performing many missions and tasks to combat terrorism and support homeland security requirements without underlying statutory authority or enabling legislation.

The purpose of this Act is to establish an office of homeland security to provide a comprehensive program to protect our people, infrastructure, and government from terrorism and threats of attack.

SECTION 2. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

**“CHAPTER
HOMELAND SECURITY**

§ -1 Policy and purpose. The legislature finds that because of the existing and increasing possibility of the occurrence of terrorist attacks of unprecedented size and destructiveness, in order to ensure that the State will be adequately prepared to deal with such attacks; preserve the lives and property of the people of the State; and protect the public peace, health, and safety, it is necessary to:

- (1) Provide for homeland security by the State and to authorize the creation of organizations for homeland security in the counties of the State; and
- (2) Provide programs, in coordination with county agencies, other state and federal agencies, and the private sector, to educate and train publicly and privately employed workers and the general public to be prepared for potential attacks.

The purpose of this chapter is to enact a homeland security law to provide for all homeland security functions of this State and its counties.

§ -2 Definitions. As used in this chapter:

“Attack” means any attack or series of attacks by anyone causing, or which may cause, damage or injury to persons or property in the United States in any manner by the use of chemical, biological, radiological, nuclear, explosives, firearms, cyber, or other weapons or processes; and any form of hostile action.

“County” means any of the political subdivisions of the State, including the counties of Hawaii, Maui, and Kauai and the city and county of Honolulu, but does not include the county of Kalawao.

“Director of homeland security” or “director” means the adjutant general.

“Facilities”, except as otherwise provided in this chapter, includes buildings and other structures, shelters, land, and appurtenant materials.

“Homeland security” means a concerted effort to:

- (1) Prevent terrorist attacks within the United States;

- (2) Reduce the State's vulnerability to attacks and terrorist activities; and
- (3) Minimize the damage and recover from attacks that occur.

"Necessary" means any methods, measures, or other actions or determinations as are needed in the opinion of the governor, or the governor's authorized representative, or a mayor, or a mayor's authorized representative.

"States" includes the several states of the United States, the District of Columbia, and the possessions and territories of the United States.

§ -3 State office of homeland security. (a) There shall be established within the department of defense an office of homeland security. The director of homeland security shall employ appropriate personnel and make expenditures as may be necessary to carry out this chapter. The director shall appoint an administrator of homeland security who shall be exempt from chapter 76, subject to removal by the director, and receive compensation as the director may determine.

(b) The director shall be responsible for formulating and carrying out programs for homeland security. The director shall:

- (1) Ensure coordination and cooperation among all organizations for homeland security; public agencies, including county, state, and federal agencies; and private organizations; and
- (2) Cooperate with county, state, and federal homeland security and law enforcement agencies.

§ -4 Homeland security responsibilities. The director may:

- (1) Prepare comprehensive plans and programs for homeland security and homeland defense; provided that these plans and programs shall be integrated and coordinated with the plans of the counties and the federal government to the fullest possible extent;
- (2) Make studies and surveys of the vulnerabilities of critical infrastructure and key resources in this State as may be necessary, and participate in planning for their protection;
- (3) Develop and maintain a list of critical infrastructure, coordinating the list with the counties of the State, other state agencies, federal agencies (including the Departments of Defense and Homeland Security), the private sector, and other agencies and organizations as necessary;
- (4) Develop and maintain a capability to process security-clearance applications for civilian workers of the state and county governments;
- (5) Foster coordination on security matters with all nations of the Pacific region to the extent permitted under federal law, including but not limited to coordinating planning efforts, as appropriate; sponsoring discussions and seminars; and hosting periodic international conferences; and
- (6) Solicit and manage funding, including but not limited to grants from the federal government, funds from other divisions in the department of defense and other state agencies, and funds to provide personnel support to the office of homeland security.

§ -5 County organizations for homeland security. Counties are authorized, but not required, to establish organizations for homeland security. If a county does not establish a separate organization for homeland security, the functions listed in section -4 shall be incorporated into the responsibilities of the county civil defense agency."

SECTION 3. Section 26-21, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) The department of defense shall be headed by a single executive to be known as the adjutant general. The adjutant general shall also be the director of civil defense[-] and the director of homeland security.

There shall be a full-time vice director of civil defense who shall be appointed and may be removed by the director.

The department shall be responsible for the defense of the State and its people from mass violence, originating from either human or natural causes.

The devolution of command of the military forces in the absence of the adjutant general shall be within the military establishment. The devolution of command of the civil defense agency in the absence of the director of civil defense shall be within the civil defense agency.”

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 5. This Act shall take effect on July 1, 2013.

(Approved June 25, 2013.)